

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In Re: : **Chapter 13 Proceeding**
Eliazar McKinney and : **Case No. 23-60224**
Kayli Ariana Vranich, : **Judge John Gustafson**
Debtor(s).

**TRUSTEE'S OBJECTION TO CONFIRMATION
OF CHAPTER 13 PLAN DATED MARCH 1, 2023**

Now comes Dynele L. Schinker-Kuharich, Standing Chapter 13 Trustee, by and through her undersigned counsel, and hereby objects to Confirmation of the proposed Plan of the Debtor(s) on the following grounds:

Good Faith

The proposed Plan is in violation of 11 U.S.C. §1325(a)(3), which requires that the plan has been proposed in good faith and not by any means forbidden by law. Specifically, the plan proposes to retain two vehicles with payments that far exceed the IRS standard of \$588. The monthly payments for the 2019 Dodge Ram and 2016 Chevrolet Tahoe are \$766 and \$697 respectively. Additionally, the 2019 Dodge Ram, financed through Capital One, was approximately two months delinquent at case filing. For these reasons the Trustee believes debtors should surrender those vehicles and obtain more reasonable vehicle payments.

In the alternative, if Debtors are incapable of replacing said vehicles, it is Trustee's position that the vehicle payments should be disbursed by Trustee. This will ensure no future delinquency and/or default on those vehicle loans.

Other

The Plan does not provide treatment for the secured claim filed by U.S. Department of

HUD.

Feasibility

11 U.S.C. §1325(a)(6) requires that the debtor(s) be able to make all payments under the Plan and to comply with the terms of the Plan. Debtor(s) is unable to comply with the terms of the proposed Plan because the proposed Plan payment does not pay all creditors as adjusted above.

Wherefore, for the foregoing reasons, Trustee prays that Confirmation of the Chapter 13 Plan be denied.

Respectfully submitted,

/s/A. Michelle Jackson Limas

A. Michelle Jackson Limas (0074750)
Staff Counsel to the Chapter 13 Trustee
Dynele L. Schinker-Kuharich (0069389)
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CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2023, a true and correct copy of the Objection to Confirmation of Chapter 13 Plan was served via the Court's Electronic Case Filing System upon these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Office of the United States Trustee at [RegisteredEmailAddress]@usdoj.gov
- John H. Hornbrook, Counsel for Eliazar McKinney and Kayli Ariana Vranich, at mthhaty@yahoo.com

and by regular U.S. Mail, postage prepaid, upon:

Eliazar McKinney, Debtor
2151 Diamond St. NE
Canton, OH 44721

Kayli Ariana Vranich, Debtor
2151 Diamond St. NE
Canton, OH 44721

/s/A. Michelle Jackson Limas
A. Michelle Jackson Limas (0074750)
Staff Counsel to the Chapter 13 Trustee